

NYS Loving Education At Home

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Office of the President
November 1, 2008



Attached are replacement pages for the LEAH **Regulatory and Informational Manual for Home Education in New York State**. The intent of these replacement pages is to make the manual as up-to-date as much as possible, reflecting recent changes in New York's policy and law in regards to the homeschooling of disabled students.

NYSED's policy change primarily consisted in the removal of the questions & answers regarding disabled students from the NYSED homeschooling Q&A, with instructions to school districts that such students could no longer be provided special services. However, as a result of extensive lobbying by LEAH, as well as other New York homeschooling groups, a new law went into effect on July 7, 2008. The purpose of this law was to restore the availability of special services to disabled homeschooled students.

There may be some minor technical changes between the way things are under the new law and the way things were before under the old policy – NYSED is currently working on the details of the law's implementation. It is unknown if NYSED will be issuing a new special-needs Q&A. If a new special-needs Q&A is issued, it is expected to be similar in content to the old one, which can still be found at www.leah.org/q&a_cr10010.html. NYSED has issued a guidance document to each school district, which can be found at: www.vesid.nysed.gov/specialed/publications/policy/HomeInstructionGuidance708.pdf. Beyond this guidance, there are not yet any specific details other than the expectation that things should be “pretty much the same” under the new law as they were before.

Even though there have been not changes to the regulations themselves, they are included, primarily to correct an omission in subdivision (e)(2)(iii), but also to include some clarifying phrases which currently appear in the regulations as published on the NYSED website.

The pages are formatted and numbered for easy insertion into the 2007 edition of the manual. Twenty eight replacement pages are included. The vast majority of this material remains the same; however, the edits pushed the text down and changed its position on succeeding pages. Replace as follows:

Pages 2-1 – 2-6	Replace with new pages
Pages 2-7 – 2-30	Retain existing manual pages
Pages 2-31 – 2-52	Replace with new pages
Resource Appendix	
Pages R3-R4	Replace with new pages

This insert, and updates to it, will be posted at: www.leah.org/regs.php

AMENDMENT TO REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 3204, 3210, 3212 and 3234 of the Education Law

The Regulations of the Commissioner of Education are amended, effective July 1, 1988, by the addition of a new section 100.10 to read as follows:

100.10 HOME INSTRUCTION

(a) Purpose of section.

The purpose of this section is to establish procedures to assist school authorities in fulfilling their responsibility under Education Law, sections 3204(2) and 3210(2)(d), and in meeting their responsibility of determining the competency of the instructor and substantial equivalence of instruction being provided at home to students of compulsory school attendance age, and to assist parents who exercise their right to provide required instruction at home to such students in fulfilling their responsibilities under Education Law, section 3212(2).

(b) Notice of intention to instruct at home.

(1) Except as otherwise provided in paragraphs (2) and (3) of this subdivision, parents or other persons in parental relation to a student of compulsory school attendance age shall annually provide written notice to the superintendent of schools of their school district of residence of their intention to educate their child at home by July 1st of each school year. The school year begins July 1st and ends June 30th for all purposes within this section. In the case of the City School District of the City of New York, the school district of residence for students who, if enrolled in the public schools, would attend elementary school, intermediate school or junior high school in a community school district, shall be deemed to be the community school district in which the parents reside.

(2) Parents who determine to commence home instruction after the start of the school year, or who establish residence in the school district after the start of the school year, shall provide written notice of their intention to educate their child at home within 14 days following the commencement of home instruction within the school district.

(c) Procedures for development and review of an individualized home instruction plan (IHIP).

(1) Within 10 business days of the receipt of the notice of intention to Instruct at home, the school district shall send to the parents a copy of this section 100.10 of the Regulations of the Commissioner of Education and a form on which to submit an individualized home instruction plan (IHIP) for each child of compulsory attendance age who is to be taught at home.

- (2) Within 4 weeks of the receipt of such materials, or by August 15, the parent shall submit the completed IHIP form for the school district. The district shall provide assistance in preparation of the forms, if requested by the parents.
 - (3) Within 10 business days of receipt of the IHIP, the school district shall either notify the parents that the IHIP complies with the requirements of subdivisions (d) and (e) of this section or shall give the parents written notice of any deficiency in the IHIP.
 - (4) Within 15 days of receipt of a notice of a deficiency in the IHIP, the parents shall submit a revised IHIP which corrects any such deficiencies.
 - (5) The superintendent of schools shall review the revised IHIP and shall notify the parents as to whether the revised IHIP complies with subdivisions (d) and (e) of this section within 15 days of receipt of the revised IHIP or by September 30th. If the revised IHIP is determined not to be in compliance with subdivisions (d) and (e) of this section, then the parents shall be notified in writing of the reasons for such determination. Such notice shall also contain the date of the next regularly scheduled meeting of the board of education that will be held at least 10 days after the date of mailing of the notice, and shall indicate that if the parents wish to contest the determination of noncompliance, the parents must so notify the board of education at least three business days prior to such meeting. At such board meeting, the parents shall have the right to present proof of compliance, and the board of education shall make a final determination of compliance or noncompliance.
 - (6) The parents shall have the right to appeal any such final school district determination of noncompliance to the Commissioner of Education within 30 days after receipt of such determination.
 - (7) When administrative review of a school district determination of noncompliance is completed, the parents shall immediately provide for the instruction of their children at a public school or elsewhere in compliance with Education Law, sections 3204 and 3210. For purposes of this subdivision, such administrative review shall be deemed to be completed when one of the following events has occurred:
 - (i) the parents have failed to contest a determination of noncompliance by appealing to the board of education; or
 - (ii) the parents have failed to appeal a final school district determination of noncompliance to the Commissioner of Education; or
 - (iii) the parents have received a decision of the Commissioner of Education which upholds a final school district determination of non-compliance.
 - (8) Within 10 days after administrative review of the determination of non-compliance is completed, the parents shall furnish the superintendent of schools with written notice of the arrangements they have made to provide their children with the required instruction, except that such notice shall not be required if the parents enroll their children in a public school.
- (d) Content of individualized home instruction plan (IHIP).**
Each child's IHIP shall contain:
- (1) the child's name, age and grade level

- (2) a list of the syllabi, curriculum materials, textbooks, or plan of instruction to be used in each of the required subjects listed in subdivision (e) of this section;
- (3) the dates for submission to the school district of the parents' quarterly reports as required in subdivision (g) of this section. These reports shall be spaced in even and logical periods; and
- (4) the names of the individuals providing instruction; and
- (5) *a statement that the child will be meeting the compulsory educational requirements of Education Law, section 3205 through full-time study at a degree-granting institution, meaning enrollment for at least 12 semester hours in a semester or its equivalent, if that is the case. In this situation, the IHIP shall identify the degree-granting institution and the subjects to be covered by that study.**

(e) Required Courses.

- (1) For purposes of this subdivision, a unit means 6,480 minutes of instruction per school year.
- (2) instruction in the following subjects shall be required.
 - (i) For grades 1–6: arithmetic, reading, spelling, writing, the English language, geography, United States history, science, health education, music, visual arts, physical education, bilingual education and/or English as a second language where the need is indicated.
 - (ii) For grades 7 and 8: English (2 units); history and geography (2 units); science (2 units); mathematics (2 units); physical education (on a regular basis); health education (on a regular basis); art (one-half unit); music (one-half unit); practical arts (on a regular basis); and library skills (on a regular basis). The units required herein are cumulative requirements for both grades 7 and 8.
 - (iii) The following courses shall be taught at least once during the first eight grades: United States history, New York State history, and the Constitutions of the United States and New York State.
 - (iv) For grades 9 through 12: English (4 units); social studies (4 units) which includes one unit of American History, one-half unit in participation in government, and one-half unit economics; mathematics (2 units); science (2 units); art and/or music (1 unit); health education (one-half unit); physical education (2 units); and three units of electives. The units required herein are cumulative requirements for grades 9 through 12.
 - (v) Education Law sections 801, 804, 806 and 808 also require the following subjects to be covered during grades K–12:
 - (a) Patriotism and citizenship;
 - (b) health education regarding alcohol, drug and tobacco misuse;
 - (c) highway safety and traffic regulations, including bicycle safety; and
 - (d) fire and arson prevention and safety.

(f) Attendance Requirements. Each child shall attend upon instruction as follows:

- (1) The substantial equivalent of 180 days of instruction shall be provided each school year.

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- (2) The cumulative hours of instruction for grades 1 through 6 shall be 900 hours per year. The cumulative hours of instruction for grades 7 through 12 shall be 990 hours per year.
 - (3) Absences shall be permitted on the same basis as provided in the policy of the school district for its own students;
 - (4) Records of attendance shall be maintained by the parent and shall be made available to the school district upon request;
 - (5) Instruction provided at a site other than the primary residence of the parents shall be provided in a building which has not been determined to be in violation of the local building code.
- (g) **Quarterly Reports.** On or before the dates specified by the parent in the IHIP, a quarterly report for each child shall be furnished by the parent to the school district. The quarterly report shall contain the following:
- (1) The number of hours of instruction during said quarter;
 - (2) a description of the material covered in each subject listed in the IHIP;
 - (3) either a grade for the child in each subject or a written narrative evaluating the child's progress; and
 - (4) a written explanation in the event that less than 80% of the amount of the course materials as set forth in the IHIP planned for that quarter has been covered in any subject.
- (h) **Annual Assessment.** At the time of filing the fourth quarterly report as specified in the IHIP, the parent shall also file an annual assessment in accordance with this subdivision. The annual assessment shall include the results of a commercially published norm-referenced achievement test which meets the requirements of paragraph (1) of this subdivision or an alternative form of evaluation which meets the requirements of paragraph (2) of this subdivision.
- (1) **Commercially published norm-referenced achievement tests.**
 - (i) The test shall be selected by the parents from one of the following: the Iowa Test of Basic Skills, the California Achievement Tests, the Stanford Achievement Test, the Comprehensive Test of Basic Skills, the Metropolitan Achievement Test, a State Education Department test, or another test approved by the State Education Department.
 - (iii) The test shall be administered in accordance with one of the following options, to be selected by the parents:
 - (a) at the public school, by its professional staff; or
 - (b) at a registered non-public school, by its professional staff, provided that the consent of the chief school officer of the nonpublic school is obtained; or

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- (c) at a non-registered non-public school, by its professional staff, provided that the consent of the superintendent of schools of the school district and of the chief school officer of the non-public school is obtained; or
 - (d) at the parents' home or at any other reasonable location, by a New York State certified teacher or by another qualified person, provided that the superintendent has consented to having said certified teacher or other person administer the test.
- (iii) The test shall be scored by the persons administering the test or by other persons who are mutually agreeable to the parents and the superintendent of schools.
 - (iv) The test shall be provided by the school district upon request by the parent, provided that the cost of any testing facilities, transportation, and/or personnel for testing conducted at a location other than the public school shall be borne by the parent.
 - (v) If a score on a test is determined to be inadequate, the program shall be placed on probation pursuant to subdivision (i) of this section. A student's score shall be deemed adequate if:
 - (a) the student has a composite score above the 33 percentile on national norms; or
 - (b) the student's score reflects one academic year of growth as compared to a test administered during or subsequent to the prior school year.
- (2) **Alternative evaluation methods.** An alternative form of evaluation shall be permitted to be chosen by the parent only as follows:
- (i) for grades 1 through 3: a written narrative prepared by a person specified in subparagraph (iii) of this paragraph.
 - (ii) for grades 4 through 8: a written narrative prepared by a person specified in subparagraph (iii) of this paragraph. This alternative form of evaluation may be used no more often than every other school year for these grades.
 - (iii) for the purposes of this paragraph, the person who prepares the written narrative shall be a New York State-certified teacher, a home instruction peer group review panel, or other person, who has interviewed the child and reviewed a portfolio of the child's work. Such person shall certify either that the child has made adequate academic progress or that the child has failed to make adequate progress. In the event that such child has failed to make adequate progress, the home instruction program shall be placed on probation pursuant to subdivision (i) of this section. The certified teacher, peer review panel or other person shall be chosen by the parent with the consent of the superintendent. Any resulting cost shall be borne by the parent.
- (3) If a dispute arises between the parents over the administration of the commercially published norm-referenced achievement test or the use of alternative evaluation methods, the parents may appeal to the board of education. If the parents disagree with the determination of the board of education, the parents may appeal to the Commissioner of Education within 30 days of receipt of the board's final determination.

(i) Probation.

- (1) If a child's annual assessment fails to comply with the requirements of subdivision (h) of this section, the home instruction program shall be placed on probation for a period of up to two (2) school years. The parents shall be required to submit a plan of remediation which addresses the deficiencies in the child's achievement, and seeks to remedy said deficiencies. The plan shall be reviewed by the school district. The school district may require the parents to make changes in the plan prior to acceptance.
- (2) If after the end of any semester of the probationary period the child progresses to the level specified in the remediation plan, then the home instruction program shall be removed from probation. If the child does not attain at least 75% of the objectives specified in the remediation plan at the end of any given semester within the period of probation, or if after two (2) years on probation 100% of the objectives of the remediation plan have not been satisfied, the superintendent of schools shall provide the parents with the notice specified in paragraph (5) of subdivision (c) of this section and the board of education shall review the determination of noncompliance in accordance with such paragraph, except that consent of the parents to such review shall not be required.
- (3) If during the period of probation the superintendent of schools has reasonable grounds to believe that the program of home instruction is in substantial noncompliance with these regulations the superintendent may require one or more home visits. Such home visit(s) shall be made only after three (3) days' written notice. The purpose of such visit(s) shall be to ascertain areas of noncompliance with these regulations and to determine methods of any such deficiencies. The home visit(s) shall be conducted by the superintendent or by the superintendent's designee. The superintendent may include members of a home instruction peer review panel in the home visit team.

REGULATION REVISIONS

Revisions have been made to the regulations over the years, primarily for clarity, including:

- Subdivision (a)
- Subparagraph (iii) of paragraph (2) of subdivision (e)
- Subparagraph (iii) of paragraph (2) of subdivision (h)
- Paragraph (3) of subdivision (h)

Changes of substance have been made, including:

- Paragraph (5) of subdivision (d): April 14, 2005

Note: Below are the Revised Questions & Answers on Home Instruction prepared by the State Education Department; these are the answers provided by the State Education Department and not necessarily those of New York State LEAH.

REVISED QUESTIONS AND ANSWERS ON HOME INSTRUCTION

Prepared by
The New York State Education Department
May 1991

Important (2/25/05)* : In September 2004, the New York State Board of Regents adopted an amendment to section 100.10 of Commissioner's regulations relating to the home instruction of students of compulsory school age who wish to attend college on a full-time basis.

The amendment:

- requires students of compulsory school age who have yet to complete a four-year high school program and who seek to enroll in full-time college study to submit to the college verification from the school district of residence that the student will be meeting the compulsory education requirements through full-time college study. This verification must be in the form of an approved Individualized Home Instruction Plan (IHIP) that includes the full-time college study.
- permits school district residents, including home instructed students, to take five specific Regents examinations or approved alternative examinations for the purpose of meeting the preliminary education requirement for earning a college degree, applicable to students beyond compulsory school age.
- repeals the requirement that a student present satisfactory evidence of a preliminary education of at least a four-year high school course or its equivalent before beginning college degree study. This requirement was in conflict with the Commissioner's Regulation that permitted a student to earn a high school equivalency diploma through completing 24 semester hours as a recognized candidate for a college degree.

The information provided below does not reflect the amendment, and, therefore, is not necessarily accurate. We are developing revised guidance to be posted here soon. In the meantime, detailed information is available at www.emsc.nysed.gov/deputy/Documents/homeinstruct.htm

[The last document referenced is included in this *LEAH Regulatory and Informational Manual* at page 3-17].

*** The above section is reprinted here just as directly captured from the NYSED webpage, 04/2007.**

REVISED QUESTIONS AND ANSWERS ON HOME INSTRUCTION

Questions are grouped by topic as follows:

General	#1-34
Individualized Home Instruction Plan (IHIP)	35-54
Evaluation	55-66
Commencement of Home Instruction During the School Year	67-69
College Entrance*	70
Suggested Strategies**	P. 2-44
Students with Special Educational Needs [†]	P. 2-44

*Q & A. #70 SED July 1996..... page P2-43

**1998 Addendum on #70 page P2-43

***~2006 Changes marked in ~~Strikethrough~~ for deletes, and in [brackets] for edits.

[†] A Q&A section on special needs was removed from the NYSED website in December 2007 in accordance with a major policy change in regards to students with special needs. On July 7, 2008, a new state law was signed into effect which, for the most part, overrode this policy change and restored the policy in regards to homeschooled special-needs students back to the way it had been for the 17 years prior to December 2007. A new Q&A section in regards to special-needs students has not yet been issued; however, a NYSED guidance statement of the application of the new law has been issued. Highlights can be found beginning on page 70.

(This section, as posted at www.emsc.nysed.gov/nonpub/homeschoolingqanda.htm)

For additional information, please contact the office of the superintendent of the public school district in which you reside or:

Non-Public Schools Services Team
Room 481 EBA
State Education Department
Albany, New York 12234
(518) 474-3879

General

1. ***May a district require parents to register their child in the public school if they plan to provide home instruction?***

No. Parents are not required to register their child in the public school if they plan to provide home instruction. However, the parent, if requested, must demonstrate that the child resides within the school district and is of compulsory age.

2. ***Are parents required to meet with school officials?***

No. School officials may request a meeting with parents to discuss the process of home schooling, but they may not deny parents the right to home instruct if the parents decline such a meeting.

3. *Must a district respond to a letter of intent?*

Yes. The district is obligated to reply within 10 business days of receiving the notice of intent by sending to the parents a copy of C.R. 100.10 and a form on which to submit an IHIP.

4. *May parents engage a tutor to provide home instruction?*

Yes. Parents may engage the services of a tutor to provide instruction for all or a portion of the home instruction program.

5. *May groups of parents provide home instruction collectively by engaging the services of a tutor to provide group instruction to their children?*

Parents providing home instruction to their children may arrange to have their children instructed in a group situation for particular subjects but not for a majority of the home instruction program. Where groups of parents organize to provide group instruction by a tutor for a majority of the instructional program, they are operating a nonpublic school and are no longer providing home instruction. Substantial equivalency of a nonpublic school program is not determined pursuant to Section 100.10 of the Regulations of the Commissioner.

6. *Must parents file a health inspection report or fire inspection report?*

No. This is not required in the case of home instruction.

7. *Must home instruction take place on days and during the times of days when school is in session?*

Instruction at home is usually given within the general time-frame of the normal school day, but greater flexibility in scheduling is possible. For example, parents may choose to provide instruction on weekends or in the evening. The total amount of instruction time per week should be generally comparable to that of the public school.

8. *May a district require parents or tutors to produce credentials for home instruction?*

No. State law does not require any specific credentials for the person(s) providing home instruction.

9. *What is a Home Instruction Worksheet?*

The Worksheet is provided as a model to assist districts in maintaining and keeping records on home instruction. Although the worksheet is an internal district document completed by school officials, it may be filled out in consultation with the parents, if appropriate. Some of the information on the Worksheet will be derived from the quarterly reports and the annual evaluation.

10. *Must the Home Instruction Worksheet be filled out by parents?*

No. The Worksheet is for internal district use.

- 11. *May students instructed at home by their parents take part in non-credit-bearing organized school activities such as clubs, sports, and intramurals?***

Commissioner's Regulation 135.4 (c)(7) directs that a participant in interscholastic sports must be enrolled in the public school; however, children educated other than at the public school may participate in intramural and other school-sponsored club activities. It is recommended that each board of education establish a policy to this effect.

- 12. *May a student instructed at home participate in the school band and/or receive music lessons?***

If the district considers these activities to be extra-curricular, such a student may participate in the band and/or receive music lessons. It is recommended that the board of education establish a policy regarding participation in these activities.

- 13. *May students instructed at home be allowed to use school facilities such as the library, career information center and gymnasium?***

Yes. Students may be allowed to use such school facilities provided that there is mutual agreement on the part of all involved parties.

- 14. *Must students instructed at home meet immunization requirements for in-school students?***

The provisions of Public Health Law Section 2164 which require parents to submit proof of immunization prior to admission of their children to a school do not apply to students being educated at home. If the Commissioner of Health notifies school officials of the outbreak of a disease for which immunization is required, however, parents of children on home instruction who seek to participate in testing or other activities on the premises of a public or nonpublic school must produce proof of immunization or the children must be denied access to the school building.

- 15. *May parents or students on home instruction borrow instructional items from the public school such as library books, microscopes and movie projectors?***

Yes. Although a public school is not obligated by law to lend such items, it may allow parents or students to borrow available materials.

- 16. *Is a student instructed at home entitled to benefit from the loan programs (textbooks, library materials and computer software) available to students enrolled in nonpublic schools?***

A student instructed at home is not enrolled in a nonpublic school and, therefore, the district is not obligated to loan those items which a district is required to provide, by statute, to children attending nonpublic schools. Although not required, a school district may offer such loans to the extent available.

- 17. *Is the school district required to furnish health services to students on home instruction?***

No. The district is not required to furnish health services.

18. *Is the district responsible for providing remedial programs from students instructed at home?*

No. The district is not responsible for providing remedial programs for these students.

19. *May a student instructed at home participate in the instructional program of the school district?*

The legislature has not authorized part-time attendance and, therefore, a student instructed at home may not participate in the instructional program of the school district ~~except for dual enrollment opportunities the district may make available under Section 3602-c of the Education Law and for special education programs and services the district is required to make available.~~

20. *May a district provide dual enrollment services under Section 3602-c to students instructed at home?*

~~While the district is not required to make occupational and vocational education programs for the gifted available, the board of education may, at its discretion, allow such students to participate in these programs. A board of education must offer a student with disabilities the special education services and/or programs as recommended on the Individualized Education Program by the Committee on Special Education. The district may claim State aid for the provision of dual enrollment services in district operated programs. Services provided through BOCES, while generating BOCES aid, do not generate dual enrollment aid.~~

[New text:] Pursuant to Education Law §3602-c, instruction in the areas of occupational and vocational education, gifted education, and education of students with disabilities may be furnished to students enrolled in nonpublic schools. With that exception, which is not applicable to home instructed students, boards of education are not authorized to instruct pupils on a part time basis (Appeal of Pope, 40 Ed Dept Rep 473, Decision No. 14,530; Appeal of Sutton, 39 Ed Dept Rep 625, Decision No. 14,332; Matter of Maysark, supra).

[Even newer text:] No.

21. *Does a school district obtain State aid for students instructed at home by their parents?*

School districts cannot claim State aid for students instructed at home, ~~except for those students counted as dually enrolled in gifted and occupational education programs or receiving programs and services for students with special educational needs.~~

22. *How should school officials deal with the grade placement of a student who has been instructed at home and subsequently enters the public school?*

As with any other transfer, the principal of the school determines the appropriate grade placement of the student.

23. *Does a home-instructed student earn high school credits for completing the course work specified in the IHIP?*

Credit is given only by schools. It is recommended that when a home-instructed student transfers from a high school program into a school that the principal of the

school award credit on the basis of assessment or evidence that the student has successfully completed the course work.

24. *May a student instructed at home be awarded a local or Regents diploma?*

No. A high school diploma may only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Regents, the school, or the district.

25. *Is a K–8 school district responsible for a high school student on home instruction?*

Yes. The district of residence retains responsibility for the student's education but is encouraged to consult with the receiving high school on the adequacy of the IHIP, quarterly reports and the annual assessment.

26. *Is a student instructed at home eligible to participate in summer school programs operated by the public school district?*

Yes. Summer school programs are open to all residents of the district.

27. *May a superintendent apply for a variance under Commissioner's Regulation 100.2 (n) to enable a parent to implement a program designed to provide excellence in education?*

Yes. A superintendent may apply for a variance for a home instruction program.

28. *Under what circumstances is a home instruction program placed on probation?*

As described below, the circumstances depend upon the option selected by the parents for complying with the annual assessment requirement of subdivision (h) of the Section 100.10 of the Regulations of the Commissioner.

- a. If parents submit test scores for an achievement test, the program will be placed on probation only if the composite score of the student is below the thirty-third percentile on national norms or the score fails to reflect one academic year of growth when compared to a prior test. The student's score on individual test subscores should not be considered in determining whether the program should be placed on probation.
- b. If parents submit a written narrative, the program will be placed on probation only if the evaluator certifies that the student has not made adequate academic progress.

29. *Under what circumstances may a school district require home visits?*

A school district may require home visits, upon three days' written notice to the parents, only when the home instruction program is on probation. Under any other circumstances, a school official may request a home visit but a parent would not be required to consent to the request.

- 30. *If parents provide instruction at home to more than one child and the program for one child is placed on probation, must the programs for other children in the family be placed on probation?***

No. Each child's achievement is evaluated separately. A situation may arise where one child's program is on probation, and yet one or more other children in the same family are making adequate progress so that their programs would not be placed on probation.

- 31. *How should a district maintain records on students instructed at home?***

It is recommended that the district complete a Worksheet for each student to place in the student's file along with the current IHIP, quarterly reports and annual evaluation information. A notation on the student's permanent record card should indicate the period during which the student is on home instruction.

- 32. *How long should a district retain records on a home-instructed student?***

There is no legal obligation specified in this matter. To the extent that records are kept, it is recommended that an annual Worksheet for each student be kept until six years after the student would have graduated from high school.

- 33. *Should parents maintain records on students instructed at home?***

Parents are required to keep attendance records for each student, but there is no legal obligation for them to maintain any other records. It is recommended that parents keep evidence of their programs and their children's achievement and correspondence with the school district.

- 34. *If a student instructed at home is unable to read adequately or find employment following completion of educational requirements as defined within the compulsory education laws, can the school district be held liable?***

No. As a matter of public policy, the highest court in New York State has declined to recognize a cause of action for educational malpractice. Where the board of education and superintendent of schools make good faith efforts to implement the requirements of Section 100.10 of the Regulations, there should not be a basis for liability under current law.

Individualized Home Instruction Plan (IHIP)

- 35. *Are parents required to submit more than a list of textbooks in the IHIP to comply with the requirements of subdivision (d) of Section 100.10?***

The IHIP must include for each of the required courses either a list of syllabi, curriculum materials and textbooks to be used or a plan of instruction to be followed. A different alternative may be used for different subjects. While a list of textbooks may be submitted, it is reasonable for the district to require more than the name, publisher, copyright date and author's name if the district is not familiar with the textbook's content. If the district requests additional information beyond the list of

textbooks, the parents may, at their option, submit either a written scope and sequence describing the text or a copy of the text for the district's review (which copy shall be promptly returned to the parents). The purpose of such review is not to compare the text with those employed by the district, but rather: 1) to insure that the parent is providing the mandated subjects for the grade level in question; and 2) to provide the district with more complete information to assist its review of quarterly reports and annual assessments.

- 36. *When the IHIP is submitted by the parents, does the school district have the responsibility to make a subjective judgment of the substantial equivalency of the home instruction program?***

No. The purpose of these regulations is to provide a basis for objective determinations of substantial equivalence. IHIP submissions are to be evaluated to determine compliance with subdivisions (d) and (e) of Section 100.10. Quarterly reports are evaluated to determine compliance with subdivision (g). Annual assessments must comply with the requirements of subdivision (h). A home instruction program that adheres to the standards of the regulations at each stage of the process should be deemed to be substantially equivalent.

- 37. *Must the parents indicate on the IHIP the content of each subject that will be taught and the total time of instruction?***

The IHIP must include a list of syllabi, curriculum materials, or plan of instruction to be used in each of the subjects required for that grade level. The total number of hours of instruction per quarter must be documented on the quarterly report. It is recommended that, in the secondary grades, hours per subject be included in each quarterly report.

- ~~**38. *If a child reaches age six on or before December 1, when must a parent file an IHIP?***~~

~~An IHIP must be filed for the school year which begins the preceding September.~~

~~***If a child reaches age six after December 1, when must a parent file an IHIP?***~~

~~An IHIP must be filed for the school year which begins the following September.~~

- 38. [New text:] *When must a student begin to receive instruction?***

[New text:] A change in Education Law 3205, which became effective on July 26, 1993, clarifies the age at which a student is subject to compulsory education. The law now requires children who turn six on or before December 1 to receive instruction from the start of the school year in September of that year. Children who turn six after December 1 must begin to receive instruction no later than the first day of school the following September.

- 39. *Must the IHIP for a six-year-old indicate that the instruction is on the first grade level?***

No. As with any age, instruction should be geared to the level appropriate to the student's needs and previous level of achievement.

- 40. *Are students instructed at home required to take a second language?***

No. They are not required to take a second language, but they may choose to study a second language.

41. *Is physical education required?*

Yes. Every student must have a physical education program. Activities may differ but outcomes should be similar to those established for students in the public school.

42. *Must the topics proposed for study in each subject correspond to the material covered in the public school curriculum?*

While the subjects required by Law and Regulation must be taught, the course content may differ.

43. *If a student reaches the maximum age for compulsory attendance during the school year, must the IHIP for that student cover the full year?*

Yes. Students who turn 16 (or 17 in New York City) between July 1 and June 30th are of compulsory attendance age during the entire school year.

44. *Is a district required to review the IHIP submitted for a student beyond compulsory attendance age?*

No.

45. *Can a district require parents to provide more information on the IHIP than the Regulations of the Commissioner require?*

No. A district may require only that information set forth in subdivision (d) of Section 100.10 of the Regulations of the Commissioner.

46. *May a superintendent find a program of home instruction deficient, if he/she concludes that the student needs socialization or interaction with other children?*

No. This is not a basis for finding a program of home instruction deficient.

47. *Must home instruction for a student of limited English proficiency include instruction in the English language?*

Yes. Home instruction for such a student must include instruction in the English language.

48. *Are parents instructing their children at home required to teach courses which involve education about substance abuse, AIDS, human sexuality and family planning?*

Parents are required to provide health education at all grade levels. Section 804 of the Education Law requires that such health education include instruction to discourage the misuse and abuse of alcohol, tobacco and other drugs. Section 135.3 (b) of the Regulations of the Commissioner of Education requires that the elementary and secondary health education curriculum include age appropriate instruction concerning the nature, methods of transmission and methods of prevention of the acquired immune deficiency syndrome (AIDS). Parents must address the topic of AIDS as a part of the required health instruction at least once in grades K–6, once in grades 7–8

and once in grades 9–12. Parents may include instruction on human sexuality and family planning as part of their children's health education, but are not required to do so.

49. *Must a district notify parents that the IHIP is in compliance with C.R. 100.10?*

Yes. The district is obligated to notify parents that the IHIP is in compliance. It is strongly recommended that such notification be in writing.

50. *Must a board of education approve the IHIP?*

No. The superintendent of schools is responsible for reviewing the IHIP and notifying the parents of its status.

51. *When is the board of education involved in the process?*

If the superintendent of schools determines that a revised IHIP is not in compliance and the parents contest that determination, the parents may meet with the board to present evidence of compliance. The board then makes its determination of compliance or noncompliance.

52. *If the board finds an IHIP is not in compliance, do the parents have the right to appeal?*

Yes. The parents may appeal a determination of noncompliance by the board to the Commissioner of Education within 30 days of receiving notice of the determination.

53. *Must the parents of a student instructed at home file an IHIP with the district if the student is enrolled in a correspondence school?*

Yes. The obligation to file an IHIP does not depend on the source of material used but rather on the location of the student's instruction. The board of education is responsible for ensuring that any student of compulsory age living within the district is receiving an adequate program of instruction. The parents and the district must comply with C.R.100.10 even if the supplier of the curriculum materials considers the student to be enrolled in its school or program.

54. *Does the State Education Department approve programs of home instruction provided by correspondence schools?*

No. [New Text: The State Education Department does not perform this function.] Correspondence school materials for home instruction must be reviewed by the superintendent of schools.

Evaluation

55. *When should parents inform the school district of their choice of a standardized test or alternative evaluation method?*

No date is specified in the regulation but it is recommended that parents provide this information by the end of the third quarterly reporting period.

56. *When is it necessary for parents to obtain the consent of the school district if they are using a norm-referenced achievement test for the annual assessment?*

- a. If the parents are having the student tested at a registered nonpublic school, the consent of the public school district is not required.
- b. If the parents are having the student tested at the public school, the testing should be done at the time of the school's own testing program, unless a mutually agreeable alternative is reached. The district should give the parents several weeks' notice of the dates for this testing.
- c. If the parents are having the student tested at another location, the school district is required to review, and (if in agreement) consent to the parents' selection of the test administrator.

57. *Are students instructed at home required to take any State tests such as the PEP tests or RCTs?*

No. These tests may be used to meet annual assessment requirements, but home-instructed students are not required to take them.

58. *Which State tests suffice for an annual assessment?*

Any State tests designed to evaluate individual student achievement are acceptable. State tests designed to evaluate a school's program (Program Evaluation Tests) are not appropriate for this purpose.

59. *If parents instructing their children at home choose to use PEP tests or RCTs as a part of their annual evaluation, should the school district include their scores with the scores of the public school students?*

No.

60. *Can parents of a fourth-grader opt for an alternative form of evaluation?*

Yes. Alternative forms of evaluation may be used every other year for pupils in grades 4 through 8. Thus, grade 4 could be the first year in this pattern.

61. *Must the district administer tests during the school year to home-instructed students?*

No. The district is not obligated to administer any tests unless the student is referred to the Committee on Special Education for evaluation.

62. *May a student instructed at home take Regents examinations?*

Yes. If a request is made, school officials are encouraged to admit a student receiving home instruction to Regents examinations. If a Regents examination has a lab requirement, the student may be admitted to the examination if there is evidence that the student has met the lab requirement. The IHIP, quarterly reports and/or verification from the student's teacher can provide such evidence.

Regents examinations may only be administered at the public school or registered nonpublic school because they are secure examinations. The test results can be helpful to the student and also to the public school officials.

- 63. *If parents want to use one of the standardized tests listed in the home instruction regulation but not used by the school district, who orders and who pays for it?***

If the parent chooses to use a test that has not been ordered for use in the public schools of the district, the school district, upon request of the parent, would order the test. The parent would, however, pay for the cost of procuring it.

- 64. *May a parent administer a standardized test or prepare the written narrative of assessment?***

Yes. With the consent of the superintendent, a parent may perform these actions.

- 65. *What is a home instruction peer review panel and what is its function under the regulations?***

A home instruction peer review panel is an advisory group of home instructing parents who prepare a written narrative of a student's achievement. Members of such a panel may be chosen by the parent with the consent of the superintendent.

- 66. *What action should be taken by the district if parents do not submit any evaluation?***

If phone calls or letters do not elicit the information, the district should notify parents by registered mail that the evaluation is due and set a reasonable date for its submission. If the information is not forthcoming, the district is without evidence that instruction has been taking place. In that case, the district would be obligated to report the case to the central registry as a case of suspected educational neglect.

Commencement of Home Instruction During the School Year

- 67. *May a district refuse to consider a parent's request for home instruction if it occurs during the school year?***

No. The district must respond to a letter of intent and to the submission of an IHIP at any time during the school year.

- 68. *If home instruction begins during the normal school year, which timelines apply?***

The regulation specifies that parents who decide to begin home instruction or parents who move into the district after the start of the school year must file a letter of intent within 14 days of beginning home instruction within the district.

From that point on, the usual timelines apply:

- * Within 10 business days of receiving the letter, the district must furnish the parent with a copy of C.R. 100.10 and an IHIP form for each child.

- * Within 4 weeks of receiving it, the parent must submit the completed IHIP to the district.
- * Within 10 business days of receiving the IHIP, the district must notify the parent whether it complies with the requirements of the regulation or give written notice of any deficiency.
- * Within 15 days of receiving a notice of deficiency, the parent must submit a revised IHIP which corrects the deficiencies.
- * Within 15 days of receiving the revised IHIP, the district must notify the parent as to whether it complies with the regulation.

69. *If home instruction begins during the school year, when should parents schedule quarterly reports to the district?*

The number of reports should be proportional to the period of home instruction. For example, if instruction begins at about the end of the first reporting period in the public school, the parent would schedule three reports during the remainder of the year.

College Entrance (July 1996)

(Read the included 1998 LEAH supplements on College Admissions Policy, CLEP & 2007 supplement on Getting into College)

70. *If home-instructed students cannot be awarded local or Regents high school diplomas, how can they gain entrance to colleges?*

First, please note that seeking admission to college is entirely a choice that students make, and successfully gaining admission to college is entirely the responsibility of home-instructed students and their parents. It is not the responsibility of the State Education Department or the local public school district to secure college admission for home-instructed students.

Secondly, colleges set their own admissions requirements. These requirements vary from college to college. The burden, therefore, is on home-instructed students (and their parents) to seek and acquire information on the admissions requirements of the colleges of their choice. The burden is also on home-instructed students (and their parents) to convince colleges to accept them. Because of this, home-instructed students (and their parents) may wish to seek information regarding the admissions requirements of the colleges of their choice well in advance of the actual application for admission.

Third, Listed below are some suggested strategies for home-instructed students (and their parents) to consider using to help them gain entrance to colleges. Consideration can be given to using a combination of these strategies. Please note that there is no guarantee that following any or all of the strategies listed below will ensure a home-instructed student's admission to any college. Again, if home-

instructing students choose to pursue admission to college, they (and their parents) are fully responsible for this.

Suggested Strategies

1. A portfolio of the student's work, demonstrating its breadth and depth, might be developed over time. This portfolio can be shared with college admissions personnel to demonstrate the student's capabilities.
2. If a home-instructed student has taken Regents exams at the public school of residence, he/she can request the public school district to produce, on school letterhead, a list of the exams taken, the date on which they were taken, and the score the student earned. This list of Regents exam scores can be shared with college admissions personnel.
3. Home-instructed students can take the Scholastic Aptitude Test (SAT) and/or other standardized tests used for college admissions purposes. Scores on these tests can be shared with college admissions personnel. Home-instructed students should contact their public school district about arrangements for taking the Scholastic Aptitude Test and/or achievement examinations offered by the College Board or the American College Testing Service.
4. If the student is beyond the age of compulsory education, and has completed a program of home instruction in compliance with Section 100.10 of the Regulations of the Commissioner of Education, he/she can request that the superintendent of schools of the public school district of residence attest to this, in writing, on district letterhead. This can be shared with college admissions personnel. Please note, however, that the superintendent of schools may, but is under no obligation to, attest to this.
5. Home-instructed students can take the GED exam, when they have reached eligibility to do so. Students passing the GED exam can share their General Equivalency Diplomas with college admissions personnel.

Students With Special Educational Needs

On July 7, 2008, New York Governor David Paterson signed bill A11463, the bill which restored special services to disabled homeschooled children. This was the final step in making this bill a law in the state of New York.

On July 22, 2008 the State Education Department Office of Vocational and Educational Services for Individuals with Disabilities Statewide Coordinator for Special Education, James P. DeLorenzo, issued a guidance document for the *New Requirements for the Provision of Special Education Services to Home-Instructed ("Home-Schooled") Students*. A copy of the guidance document may be obtained through the following web link:

www.vesid.nysed.gov/specialed/publications/policy/homeinstructed708.htm

The *New Requirements for the Provision of Special Education Services to Home-Instructioned ("Home-Schooled") Students* guidance document states the following:

This memorandum is to inform you that, pursuant to Chapter 217 of the Laws of 2008, which was signed by the Governor on July 7, 2008, students with disabilities who are in home instruction programs pursuant to section 100.10 of the Regulations of the Commissioner of Education are eligible to receive special education services from their school district. The new law resulted from proposed legislation advanced by the State Education Department.

Section 3602-c of the Education Law has been amended to add a new subdivision 2-c to deem home-schooled students with disabilities and students suspected of having a disability to be nonpublic school students solely for the purpose of receiving special education services during the regular school year.

To be eligible for special education services, a home-schooled student must be entitled to attend the public schools without payment of tuition pursuant to Education Law §3202(1). In addition, such student would be required to have an individualized home instruction plan (IHIP) that the superintendent of schools of the school district in which the home school is located has determined to be in compliance with section 100.10 of the Regulations of the Commissioner of Education. Where the student is educated at home, the school district of location is the same as the student's school district of residence.

School districts should notify all parents of students with disabilities who are in home instruction programs pursuant to section 100.10 of the Regulations of the Commissioner of Education that:

- For home-schooled students who are students with disabilities, the Committee on Special Education (CSE) would develop an individualized education services program (IESP) for the student. The IESP would be developed in the same manner and have the same contents as an individualized education program (IEP). An IESP is developed in consideration of the parents' decision to home school their child.
- In order to receive services in the 2008-09 school year, **a parent must submit a written request for such services to the board of education of the school district of location no later than August 6, 2008 of this year** (which is 30 days after this new law takes effect). For a student who is first identified as a student with a disability after the first day of June 2008 and prior to the first day of April of 2009, a parent must submit the written request for services within 30 days after the student is first identified. A request may also be submitted within 30 days of a change in the student's school district of residence.
- In subsequent years, the parent must request special education services in writing to the board of education of the school district of location by June 1 preceding the school year for which the request for services is made. However, for a student who is first identified as a student with a disability after the first day of June preceding the school year for which the request is made and prior to the first day of April of such current school year, the parent must submit the written request for services within 30 days after the student was first identified. A request may

also be submitted within 30 days of a change in the student's school district of residence.

- Special education services must be provided to home-schooled students on an equitable basis as compared to special education programs and services provided to other students with disabilities attending public or nonpublic schools within the district.
- Parents of home-schooled students who disagree with the IESP recommendation of the CSE would be entitled to due process pursuant to Education Law section 4404 just as parents of nonpublic students are.
- A board of education determines the location where special education services will be available to home-schooled students, which could include the site of the home school.

Students with Special Educational Needs & Compliance with New York State Regulations

Information from PICC LEAH

The following is a compilation of what we have found to work, based on our own experiences with our own districts, and should not be taken as legal advice. It has been our experience that New York State Regulations can be applied to students with special needs with only a few small changes when necessary.

If a child's special needs mildly or temporarily affect his academic progress, the steps that will be taken toward remediation or compensation of this need should be noted in her IHIP. For example: Writing “Angela's broken arm makes writing with a pencil difficult, therefore writing assignments will be done on a word processor or dictated into a tape recorder.”

Or: Reading — “Emily's continued healing from eye surgery makes it necessary for her to utilize talking books for approximately the next three months.” Quarterly reports and year end evaluations hold the same for these children as any other. (You must state if 80% of the plan has been covered. If it hasn't, you must state how your plan will be modified.)

When a child's special educational needs cannot be met by a few simple alterations on his/her IHIP, then you may want to notify the school's Committee on Special Education. It is their responsibility to determine through testing if your child does indeed have a special educational need. If the student's handicapping condition is not labeled by the CSE, the student **MUST** follow the state regulations year end evaluation measures as indicated for the grade level in which the child is registered. Ask your school for the publication entitled **A PARENT'S GUIDE TO SPECIAL EDUCATION — YOUR CHILD'S RIGHT TO AN EDUCATION IN NEW YORK STATE** view it online at

www.vesid.nysed.gov/specialed/publications/policy/parentguide.htm , or write to the address below to

request a copy. Familiarize yourself with the information contained therein. It will help you to better understand the steps that your school district will be taking to monitor your child's education. If a need is found, and the parent would like the child to receive special education services through their school district, the parent must request those services in writing from their school district's Board of Education. An Individualized Education Service Plan (IESP) will then be drawn up by the Committee (not yourself or some other educational consultant). This IESP will show the goals for your child's education and a plan as to how they would be reached. It may include physical therapy, occupational therapy, speech therapy, visual therapy, etc. These are called Related Services. *“Related services are provided in conjunction with academic classes to assist students with disabilities in their total education program.... These special skills are nonetheless needed for the student to benefit from **classroom instruction.**”* *A PARENT'S GUIDE TO SPECIAL EDUCATION FOR CHILDREN AGES 5-21 (July 1992 - p 20)*

When the public school recommends related services it is with **their** classroom situation in mind. When you look at related services, it must be with **your** home school situation in mind. You may not need an extensive amount of therapeutic services because you will follow up on your child's therapy at home. (You can see that your child sits in appropriate positions, practices his speech exercises, etc. A busy public school teacher may not have time to give your child that individual attention, so their program may involve more intensive therapy time with the therapist.)

Every public school district is obligated to offer related services to any student who has been identified as having a handicapping condition at the written request of the parent. The school district must provide the student the related services in

accordance with the approved IESP for the student. You may choose which of these services the district will provide. You may also refuse all of them. The board of education of your school district determines the location where special education services will be available to homeschooled student, which could include the site of the home school. Remember that all requests for related services must be made to your school district's board of education in accordance with the *New Requirements for the Provision of Special Education Services to Home-Instructioned ("Home-Schooled") Students.*

If you choose not to use these related services through your school district, you should address the needs of the child in the IHIP. The IHIP should include the equivalent services listed in the IESP. As home instruction is, by its very nature, individualized and flexible, parents may provide for the needs of their children in different ways than those contained in the IESP. You can choose another way to provide for your child's therapeutic needs than those specifically prescribed by the district. For example, you could choose therapeutic horseback riding instead of physical therapy. You may use household tasks such as sorting laundry or doing household chores to go along with two-handed fine motor exercises as part of your child's occupational therapy. You may decide to use a therapist as a consultant and follow through with his/her monthly suggestions in your daily activities.

Students with an IESP may utilize the alternate evaluation measures noted in their IESP. They may also use testing modifications listed in the IESP (time limits waved, enlargements, use of calculator, someone else records answers on answer sheet, have certain parts read to them) when they reach the age of standardized testing. The district must also provide any specialized materials that are made note of in the child's IESP. This may include special curriculum, therapy equipment, or computer adaptations for example. The options are variable but it must be in writing and it must pertain to the child's education.

If your child is known to have a handicapping condition by the public school system's CSE

(Committee on Special Education), then in the space labeled *Grade level* on the cover sheet of your IHIP forms write *Ungraded* (meaning "no grade") followed by the child's diagnosis (whatever the CSE said that is - CP, Legally Blind, Hearing Impaired, etc). This tells the district that your child will progress at his/her own speed, won't take a standardized test until they are doing 5th grade work in all subjects, and may have to have testing modifications. (This practice was started in 1989, under the advisement of Rachel Smith, Director of Non-Public Schools for the State of New York and at the suggestion of my own Superintendent in Fulton, NY.) It should be noted that some school districts do not accept "ungraded" as a grade level on an IHIP. Parents should always consult with the Homeschool Legal Defense Association (www.hsllda.org) prior to submitting an IHIP for the first time for a child with special needs if the beginning grade level for that child is in question.

Now let's take a look at the pros and cons of having an IESP for your child. Possible Benefits: individualized testing options, free related services chosen by you from the IESP at a mutually agreeable site, free transportation, use of specialized material, and the ability for the child to progress at his/her own speed. Possible Drawbacks: your child's diagnosis will become a part of his/her permanent record, creating ties with the public school, your IHIP will now need to contain the educational needs addressed in the IESP.

The choice is up to you, the parent. You can choose to not notify the public school of your child's special educational need and work on remediation yourself. You may also choose to make it known to the Committee on Special Education and accept all, part, or none of their related services. Remember, if they know you have a child with a handicapping condition, they **MUST** offer your child an Individual Education Service Plan if you send a written request for the related services to your school district's board of education. You are under no obligation to take any of it.

Final words of advice: Take good notes at all

meetings (having another witness is also advisable at meetings) and of phone conversations. Note who you talked to, first and last name, their title, and when the conversation took place. Document everything! Don't act on someone's say so, see it in writing first. WRITE IT DOWN! WRITE IT DOWN!

Do some research and lots of praying.

Resources:

New Requirements for the Provision of Special Education Services to Home-Instructed (“Home-Schooled”) Students available in this *Manual*, and: <http://www.vesid.nysed.gov/specialed/publications/policy/homeinstructed708.htm>

Revised Questions and Answers on Home Instruction, available in this *Manual*, and: Office for Nonpublic Schools, Room 481 EBA, State Education Building, Albany, NY 12234
Telephone: (518) 474-3879

A Parent's Guide to Special Education
Room 1069 EBA,
NYS Education Department, Albany, NY 12234
ATTN: Parent's Guide
OR:
www.vesid.nysed.gov/specialed/publications/policy/parentguide.htm

Home School Legal Defense Association
HSLDA's attorneys have helped special needs families across the nation protect their right to homeschool when officials go out of bounds. Besides legal help, HSLDA's Special Needs Coordinators, [Betty Statnick](#) and [Dianne Craft](#) are available for consultation. HSLDA has lists of resources and names of professionals qualified to assist in testing or setting up IHIPs.
<http://www.hslda.org/strugglinglearner/default.asp>
PO Box 3000
Purcellville, VA 20134
telephone 540-338-5600
This was compiled by:

Parents Instructing Challenged Children (PICC) LEAH

For more information, please contact
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PICC E-Mail: piccleah@verizon.net

PICC LEAH is a network of families already home schooling children with handicapping conditions. If you join PICC LEAH you get a PICC LEAH Directory. Then you can call someone in a similar circumstance to see how they do it. You get access to our PICC LEAH Lending Library with over 200 resources (special needs books, DVDs, videos, audio tapes, small therapy equipment, speech/language manuals, assessment tests, and curriculum), a bimonthly PICC LEAH Newsletter, and all the help and encouragement we can provide.

The PICC LEAH Website, www.piccnys.com, includes informative articles and an extensive list of special needs resources.

ALSO, check the LEAH Regulation Manual resource on pages R3-4 named, “Resources for Special Needs,” and the LEAH webpages. We want you to succeed!

Further notes for families with special needs:

We have compiled a list of tips, advice and resources for families home schooling children with special needs. We hope this will help you. It was compiled from a variety of sources (parents, chapter leaders, HSLDA's Special Needs Coordinator and legal staff, and PICC LEAH). This does not imply LEAH's endorsement of all resources or organizations. They all vary in approach, content, cost, etc. It is up to each family to do the research and determine what will meet their unique needs and situation.

LEAH does not give legal advice. The purpose of this section is to give parents of special needs students a beginning point. Parents are ultimately responsible for the decisions made for their own children. That said, then it is highly recommended that each family join HSLDA. Also, HSLDA offers helpful information for member parents who are home schooling special needs children. They have Special Needs Coordinators available to help with questions, writing IEPs, understanding options, resource suggestions, etc. They also have a Struggling Learner webpage accessible from the www.hsllda.org website. Through HSLDA families can rent an assessment test for evaluating their child's special needs (offered at a fraction of what it would cost to buy it... this alone is worth the cost of HSLDA membership).

Parents of special needs students should be very familiar with the Regulations and know their rights.

Understand the term IESP, which stands for Individualized Educational Service Plan. This is an educational plan developed by professionals and parents. It plans ways that the child's special needs will be met in addition to, or in place of regular class/curriculum.

Parents can choose COMPLETE control of their child's education. This means they do not have to meet with school professionals for evaluations, tests, or even have them develop the IESP. These can all be done using private sources. Realize that children DO NOT have to be tested by the school. Look for private alternatives to school services and evaluations/tests. Neither LEAH nor HSLDA suggest that families use the "free" services from the government schools. An HSLDA brochure on special needs says it this way, "We understand that as a matter of economics and ease of access, free public school services are very attractive. We also understand however, that strings of regulation come attached to these programs. Generally, we find that the longer a family uses these programs, the tighter the strings of control become." Below are a few alternatives to using the school.

- Your present health insurance often will cover some evaluations, therapy, etc (if you have a referral from your doctor.)
- Ask a pediatrician for private sources for testing and therapy.
- Make use of the Special Needs Coordinators at HSLDA and rent the test from them
- Ask HSLDA to send you a list of local professionals and organizations.
- Join Parents Instructing Challenged Children LEAH and make use of the PICC LEAH Lending Library and website resources. Go to www.piccnys.com for more details.

Parents do not have to inform the school of a child's special need or use an IESP. BUT, if the student does not have "a composite score above the 33rd percentile on national norms," [C.R. 100.10 (h) (1) (v) (a)] your home school program will be put on probation. See the Regulations, subdivision (i) Probation.

Seek ways to get better test scores. For example, you could elect to use the PASS (Personal Achievement Summary System) Test which does not use time limits. (See test resources list in the Resource Appendix at the back of this manual.)

If a family does choose to use the school for help with testing and identification of their child as a special needs student, understand the parent always has the upper hand. The parent has the final say in all decisions regarding his/her child. In this culture we are taught to believe that the "professionals" know best. This is not always the case. Parents should not be intimidated by superintendents or school psychologists, nor submit to any request that is outside the law or seems unreasonable for his/her child.

Parents who do choose to let the school have some say in their child's evaluation or IESP do not have to accept any or all of it. They can also bring in their own consultants to meetings. When a non-public school parent uses the school to help develop the IESP, the school is obligated by law to offer special services. However, the parent is not obligated to use those services.

Note: All of the above apply even to a child who already has been labeled, evaluated, serviced or given an IESP by a school district.

Home School Admissions: What's Your Policy?

BY CHRISTOPHER J. KLICKA, ESQ.

MARCH 21, 1997 *Reprinted with permission

Are well-rounded, talented, even academically excellent students encountering cumbersome technical difficulties when they apply at your college or university? This summer, a 16-year-old in Texas made a perfect SAT score.¹ A student in Maryland came within 10 points of perfection, but restrictive admission requirements may cause trouble for them — they are both home educated.²

The standardized test results of over 16,000 home educated children, grades K–12, were analyzed in 1994 by researcher Dr. Brian Ray. He found the nationwide grand mean in reading for home schoolers is at the 79th percentile; for language and math, the 73rd percentile. This ranking means home educated students perform better than approximately 77% of the sample population on whom the test was normed. Nearly 80% of home schooled children achieve individual scores above the national average and 54.7% of the 16,000 home schoolers achieved individual scores in the top quarter of the population, more than double the number of conventional school students who score in the top quarter.³

The current estimate of home educated students in the United States is 1.23 million and growing. Every year a significant portion of these students seek higher education. Individualized training with its creative alternatives cannot be measured accurately by traditional transcripts. Grades are unnecessary and class rank is irrelevant. So how are admissions officers supposed to deal with these unusual cases?

The 1996 Survey of Admission Policies

This fall the National Center for Home Education (NCHE) conducted a nation-wide college survey; a sampling of the home school admission policies in all fifty states. Only 44% had verbal or written policies for home school applicants. NCHE's liberal definition of "policy" includes colleges that take into account home schoolers' unique capabilities and circumstances. Nevertheless, 96% of the colleges polled had at least one and sometimes over 200 home educated students enrolled at their college. Course descriptions or portfolios are accepted in lieu of an accredited diploma or GED by 93% of the schools polled. Several colleges had home schoolers excelling in their honors programs.

On May 10, 1994, the *Wall Street Journal* reported:

Many colleges now routinely accept home-schooled students, who typically present "portfolios" of their work instead of transcripts. Each year **Harvard University** takes up to 10 applicants who have had some home schooling. "In general, those kids do just fine," says David Illingworth, senior admissions officer. He adds that the number of applications and inquiries from home schoolers is "definitely increasing."

A Positive College Experience

The survey of over 60 colleges and universities in all fifty states conducted by the National Center for Home Education revealed the following anecdotal accounts of home schoolers in college:

A **Harvard University** admissions officer said most of their home educated students "have done very well. They usually are very motivated in what they do." Results of the SAT and SAT II, an essay, an interview, and a letter of recommendation are the main requirements for home educated applicants. "[Transcripts are] irrelevant because a transcript is basically a comparison to other students in the school."

Resources for Special Needs:

HSLDA Special Needs Dept.: Betty Statnick and Dianne Craft

<http://www.hslda.org/strugglinglearner/default.asp>

PO Box 3000

Purcellville, VA 20134

Phone: (540)–338–5600

Parents Instructing Challenged Children (PICC) LEAH

<http://www.piccnys.com>

167 Hickory Street

Port Jefferson Station, NY 11776

phone: (631) 473-8315

Please call after 4:00pm on weekdays.

E-mail: piccleah@verizon.net

PICC LEAH is the Special Needs support chapter of NYS LEAH. PICC LEAH hosts an extensive Special Needs Lending Library, provides Website resources, and gives support and encouragement to parents instructing children with special learning needs.

NATHHAN

(NATtional cHallenged Homeschoolers Associated Network)

PO Box 310

Moyie Springs, ID 83845

phone: (208) 267-6246

E-Mail: NATHANEWS@AOL.COM

<http://www.nathhan.com/>

NATHHAN is a Christian, non-profit organization dedicated to providing encouragement to families with special needs children who are homeschooling.

NATHHAN'S GOAL and PURPOSE:

To encourage homeschooling families with special needs children, in ways that glorify the Lord Jesus Christ and to find Christian homes for children with special needs.”

HEWITT HOMESCHOOLING RESOURCES

PO Box 9

Washougal, WA 98671–0009

800-890-4097

www.HewittHS.com

Hewitt has a special needs department that will make up a curriculum for the child. Also, you can buy their Home Education Guide through their catalogue which has a section on Special Needs and resources. Hewitt is a source for the NYS-accepted PASS (Personal Achievement Summary System) test.

EXCEPTION DIAGNOSTICS

220 Douglas Dr

Simpsonville, SC 29681

< suttonjp@juno.com >

Screening test that parents can administer. In-depth tests and evaluations. Professionally recognized special educator, Dr. Joe Sutton, is a member of the Council for Educational Diagnostic Services.

PREACCH / The Bonding Place

PO Box 900

Lake Hamilton, FL 33851

941-318-1477

www.bondingplace.com**NATIONAL ASSOCIATION FOR CHILD DEVELOPMENT, INC.**

Director: Robert Doman, Jr.

Regional Director: Ellen Doman

Regional Office: Eastern Regional Center
120 North Church St., Suite 101
West Chester, PA 19382

Phone: 610-738-8816

Email: info@nacd.orgWebsite: www.nacd.org

NACD will do evaluations and design home educational and therapeutic neuro-developmental programs for families. They are not necessarily a Christian organization, but very home school friendly.

TEACH 4 MASTERY, Inc.

(formerly known as JoyceHerzog.com, Inc.)

Telephone: 1 (800) 745-8212email: Corp@Teach4Mastery.com<http://www.teach4mastery.com>

FURTHER SUGGESTION: Check your phone directory for hospital listings. Some may have a Developmental Clinic where private testing can be done. The **LEAH Regional Representatives** may know of local specialists, as well. Ask!

RECOMMENDED BOOK:*How to Teach Your Child to Read and Spell Successfully* by Sheldon Rappaport

Available through the Elijah Co.

The Home School Marketplace

1053 Eldridge Loop

Crossville, TN 38558

888-2-ELIJAH

www.elijahco.com

Gives simple tests and check lists for observing your child and determining if his learning troubles stem from visual or auditory processing difficulties. Suggests games and exercises to use and helps you determine when professional help is needed. Explains what is involved in vision (it is a whole lot more than 20/20 eyesight). Elijah Co. describes the book this way: "This book tells you how to determine if your child gets distorted information from seeing and /or hearing; ways to build visual and auditory skills; reading ability; and how to determine the child's reading level and choose books that give a sense of accomplishment. Even helpful to those without learning difficulties.